

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ALEXIS AYALA,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant

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Case No. 5:21-cv-00136-RWS-JBB

ORDER

Alexis Ayala, proceeding *pro se*, filed this petition for writ of mandamus. Docket No. 1. The Court previously referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of the Court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the petition be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). Docket No. 3. No objections to the Report and Recommendation have been filed.¹ As a result, Relator is not entitled to *de novo* review of the unobjected-to factual findings and legal conclusions contained in the Report. *See* 28 U.S.C. § 636(b)(1)(C); *see also Douglass v. United Serv. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this case and the Report and Recommendation of United States Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as

¹ The Report and Recommendation was mailed to Relator’s last known address on May 3, 2022. Relator is a *pro se* litigant and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are responsible for keeping the clerk advised in writing of the current address. Local Rule CV-11(d). To date, Relator has not acknowledged receipt of the Report and Recommendation.

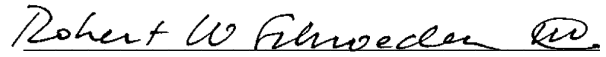
[their] merit commands and the sound discretion of the judge warrants’ ”) (quoting *Mathews v. Weber*, 423 U.S. 262, 275 (1976)).

The Court hereby **ADOPTS** the Report and Recommendation of United States Magistrate Judge (Docket No. 3) as the findings and conclusions of this Court. Accordingly, it is

ORDERED that this petition for writ of habeas corpus is **DISMISSED**.

IT IS SO ORDERED.

SIGNED this 11th day of July, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE